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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,103	02/12/2002	Robert J. Sinaiko	SHPR-01041USS SRM	8118
29190	7590	09/26/2005	EXAMINER	
BELL, BOYD & LLOYD LLC P.O. BOX 1135 CHICAGO, IL 60690-1135			TRAN, THAO T	
			ART UNIT	PAPER NUMBER
			1711	
DATE MAILED: 09/26/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/074,103

Applicant(s)

SINAIKO ET AL.

Examiner

Thao T. Tran

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,7,11 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,7,11,17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This is in response to the Reply filed on 6/30/2005.
2. The Terminal Disclaimer timely filed on 6/30/2005 is also acknowledged. Therefore, the provisional rejection of claims 1, 7, 11, and 17 under the judicially created doctrine of obviousness-type double patenting over claims 1, 5, 8, 10, 15, and 17 of copending Application No. 10/074,827, has been withdrawn.
3. Upon further consideration, a new rejection is issued as follows.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 7, 11, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Fritzius (US Pat. 3,638,058). The reference is cited by Applicants in the IDS filed 7/26/2004.

Fritzius discloses an ion generator comprising first electrodes (cathodes) and second electrodes (anodes). As illustrated in the Figures, the shapes of the cathodes and of the anodes vary. The anodes can be teardrop-shaped or ring-shaped, which are hollow. A voltage generator generates an electrostatic field that ionizes particles in the air and thus creates an air stream flowing from the cathodes toward the anodes. As the air stream passes by or through the anodes, due to the shapes of the anodes, it is deflected from the downstream direction. (see Figures; paragraph crossing col. 1 & col. 2).

Although Fritzius is silent with respect to a housing, since the reference teaches an ion wind generator, a housing would inherently be included.

6. Claims 1 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kikuchi et al. (US Pat. 4,713,092). The reference is cited by Applicants in the IDS filed 7/26/2004.

Kikuchi discloses an electrostatic precipitator, comprising ion emitting electrodes 2 and ion collecting electrodes 1. The ion collecting electrodes are bent and thus deflect the airstream from the downstream direction. (See Figures; col. 3, ln. 19-66).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi as applied to claims 1 and 11 above.

Kikuchi is as set forth in claims 1 and 11 above and incorporated herein.

Kikuchi does not teach the collector electrodes to be hollow. However, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, that whether the electrodes are hollow or solid, they would work equally well in deflecting the airstream. This is because deflecting the airstream would depend upon the surface or shape of the electrodes and/or how the electrodes are positioned, and not on whether they are hollow or solid.

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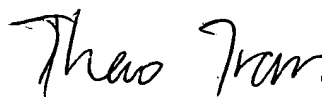
Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thao T. Tran whose telephone number is 571-272-1080. The examiner can normally be reached on Monday-Friday, from 9:00 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tt
September 19, 2005



**THAO T. TRAN
PATENT EXAMINER**